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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,702	01/10/2001	Stephane Amarger	1807.1170	6941

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EXAMINER

CHEN, ALAN S

ART UNIT PAPER NUMBER

2182

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/756,702

Applicant(s)

AMARGER ET AL.

Examiner

Alan S Chen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-67 is/are rejected.
- 7) ☒ Claim(s) 10 and 39 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/01/2001</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because Figure 4 has a stray arrow not designated as anything. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities: replace “chose” with “choose” on page 3, line 25 and page 4, line 19.

Appropriate correction is required.

***Claim Objections***

3. Claims 23 and 52 are objected to because of the following informalities: steps and means should use language that connotes all steps and means such as using an “and” immediately after the third step/means. Currently, recitation of the limitations can be interpreted as in alternatively form if one does not view the specification and drawings. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-9, 11-38 and 40-67 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat. No. 6,552,813 to Yacoub.

6. As per claims 1 and 30, Yacoub discloses a method and device for managing the resources of a computer communication means (Fig. 2 and 5) for processing a computer document stored on a processing control device (Fig. 5, element 600 is the processing control device, print job is created on this client machine) connected by said communication means to at least one processing device (Fig. 5, element 610, the virtual printer or the actual individual printers, elements 660 and 670), characterized in that it includes a step of selecting at least one processing device of said communication means (Fig. 2, element 250, specific printer is found) as a function of a first group of criteria relating to the functioning of said device (speed, quality are criteria that can be selected, Fig. 2, elements 220 and 230), and a second group of criteria

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relating to its geographical situation (Fig. 2, element 250 and Column 4, lines 53-67 and Abstract).

7. As per claims 2 and 31, Yacoub discloses claims 1 and 30, respectively, characterized in that it also includes, after the selection step, a step of choosing a processing device (Fig. 5, elements 660 and 670) amongst those selected (Fig. 2, client will select specific printers based on criteria in elements 220 and 230, then find the highest quality printer element 240 and finally filter it down to one printer in 250).

8. As per claims 3 and 32, Yacoub discloses claims 1 and 30, respectively, characterized in that said group of operating criteria includes parameters relating to the configuration capability of the processing device (quality is by definition a configuration capability of a printer, as indicated in Fig. 2, printer can be black/white or color, both related to the configuration of the printer).

9. As per claims 4,5 and 33,34, Yacoub discloses claims 3 and 32, characterized in that the value of said parameters relating to the configuration capability is determined as a function of the content of said document to be processed, e.g., color vs. black/white (Fig. 2, elements 210, users requirements set based on the type of document, e.g., if the document was color, then it is inherent that the user requirements are set to color).

10. As per claims 6 and 35, Yacoub discloses claims 1 and 30, characterized in that said group of operating criteria includes a maximum number of documents awaiting processing (Fig. 2, elements 220, the speed is tied to whether the printer is busy, Column 6, lines 60-67, each printer gives indication of how busy it is, e.g., how many jobs are in queue).

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11. As per claims 7, 9 and 36, 38, Yacoub discloses claims 1 and 30, characterized in that said group of geographical situation criteria includes characteristics of the printer's distance with respect to the control device (Column 5, line 64 to Column 6, line 15, the printer closest to the user is selected).

12. As per claims 8,11,59,61,63 and 37,40,60,62,64, Yacoub discloses claims 1 and 30, characterized in that said communication means is a local wireless or an Ethernet type cabled network (Column 11, lines 20-29). Being on a wireless network, by definition, the printers will be "mobile stations", whereas the client station will be a "base station".

13. As per claims 12-27 and 41-52, Yacoub discloses claims 1 and 30, characterized in that the configuration is based on the content of the document to be processed (Fig. 2, element 230 and 240), where the document is computed for various parameters such as color (Column 10, lines 10-20), paper type (Column 10, lines 15-25), speed (e.g., draft, with not very good quality, Column 9, lines 15-25), etc.

14. As per claims 28 and 57, Yacoub discloses claims 1 and 30, characterized in that processing device is a printer (Fig. 5, elements 660 and 670).

15. As per claims 29 and 58, Yacoub discloses claims 1 and 30, characterized in that the processing device is a printer in the form of a facsimile (Fig. 5, elements 660 and 670; it is well-known in the art that facsimiles are printers that print incoming data over some form of telecommunication network).

16. As per claims 65-67, Yacoub discloses claims 1, wherein there is information storage means (Fig. 5, element 600, OS, instructions and programs reside on the computer hard disk, and

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inherently has a microprocessor for computation/execution of instructions, particularly to execute the virtual printer functions (Fig. 5, element 610).

***Allowable Subject Matter***

17. Claims 10 and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is the statement of reasons for the indication of allowable subject matter: The prior art disclosed by the applicant and cited by the Examiner fail to teach or suggest, alone or in combination, a method or device as cited in claims 1 and 30 respectively, consisting a search operation seeking the present of at least one base station in the area of the processing device, wherein if a base station is detected, for each that is detected, determining the position of the processing device and the precision of the measurement made, wherein if the precision of the measurement made is less than a predetermined value, changing the mode of the operation by requesting a hybrid station operating in mobile station mode to switch to a base mode thereby making it a new base station.

***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to determining the location of printing devices:

U.S. Pat. No. 5,642,303 to Small et al. (hereafter Small)

U.S. Pat. No. 6,452, 692 to Yacoub

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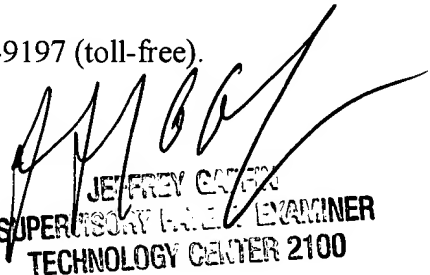
U.S. Pub. No. 2002/0075509 to Wiechers

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan S Chen whose telephone number is 571-272-4143. The examiner can normally be reached on M-F 8:30am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ASC  
3/22/2004

  
JEFFREY GAFFIN  
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